

LACORTE, BUNDY, VARADY & KINSELLA
989 BONNEL COURT
UNION, NEW JERSEY 07083
(908) 810-0500

ATTORNEY FOR DEFENDANTS, City of Elizabeth, Elizabeth Police Department, Chief of Police Ronald Simon, Police Director James Cosgrove and Lieutenant John Bastardo

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

MOHAMMAD R. RAHAMI,
MOHAMMAD K. RAHAMI, JR.,
MOHAMMAD Q. RAHAMI,

Plaintiffs

v

THE CITY OF ELIZABETH, THE
ELIZABETH POLICE DEPARTMENT,
OFFICER J. CORREIA, OFFICER L.
BOONE, OFFICER JOSEPH WASSELL,
OFFICER HECTOR CABO, DETECTIVE V.
TROPEANO, SERGEANT BURNS,
LIEUTENANT JOHN BASTARDO, CHIEF OF
POLICE RONAL SIMON, POLICE DIRECTOR
JAMES COSGROVE, JAMES DEAN
MCDERMOTT, JOHN DOES 1-5 and ABC
ENTITIES 1-5 (fictitious names
representing as yet unidentified
persons, business or governmental
entities or agencies, subdivisions
or agents of governmental
entities),

Defendants.

Civil Action No.: 2:11-cv-01953-
DMC-JAD

CIVIL ACTION

NOTICE OF MOTION TO STAY AND
ADMINISTRATIVELY DISMISS
PLAINTIFF'S COMPLAINT

TO: Shelly L. Stangler, P.C.
155 Morris Avenue
2nd Floor
Springfield, NJ 07081

Robert Renaud, Esq.
Palumbo and Renaud
190 North Avenue East
Cranford, NJ 07016

Joseph Ascione, Esq.
Ascione & Wilson
226 St. Paul
Westfield, NJ 07090

Kraig Dowd, Esq.
Weber Dowd Law, LLC
365 Rifle Camp Road
West Paterson, NJ 07424

Guy P. Ryan, Esq.
Secare, Ryan & Hensel
16 Madison Avenue
Building 1
Toms River, NJ 08753

Edward Kologi, Esq.
Kologi & Simitz
923 North Wood Avenue
Linden, New Jersey 07036

Daniel Antonelli, Esq.
1000 Stuyvesant Avenue
Union, NJ 07083

Bruce H. Bergen, Esq.
Krevsky, Silber & Bergen
Cleveland Plaza
123 North Union Avenue
Suite 202
P.O. Box 99
Cranford, NJ 07016-0099

RETURNABLE: To be scheduled by the Court.

PLACE: United States District Court
Martin Luther King Jr. Federal Building
And U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

RELIEF SOUGHT: An Order staying and administratively dismissing plaintiff's complaint.

SUPPORTING DOCUMENTS: See attached Affidavit and brief and Appendix of City of Elizabeth.

ARBITRATION DATE: None.

PRETRIAL CONFERENCE: None.

CALENDAR CALL: None.

TRIAL DATE: None.

ORAL ARGUMENT: To be scheduled by the Court.

**CERTIFICATION
AS TO FILING
AND SERVICE:** See attached Certification of Service.

LaCorte, Bundy, Varady & Kinsella
Attorneys for Defendant, City of Elizabeth

By: s/Robert F. Varady
Robert F. Varady, Esq.

Dated: February 23, 2012

PROOF OF MAILING

On February 23, I, the undersigned, forwarded a copy of the within Notice of Motion, supporting brief, Certification of Exhibits, Certification of Service and proposed form of Order via electronic filing to:

Shelly L. Stangler, P.C.
155 Morris Avenue
2nd Floor
Springfield, NJ 07081

Robert Renaud, Esq.
Palumbo and Renaud
190 North Avenue East
Cranford, NJ 07016
Joseph Ascione, Esq.
Ascione & Wilson
226 St. Paul
Westfield, NJ 07090

Kraig Dowd, Esq.
Weber Dowd Law, LLC
365 Rifle Camp Road
West Paterson, NJ 07424

Guy P. Ryan, Esq.
Secare, Ryan & Hensel
16 Madison Avenue
Building 1
Toms River, NJ 08753

Edward Kologi, Esq.
Kologi & Simitz
923 North Wood Avenue
Linden, New Jersey 07036

Daniel Antonelli, Esq.
1000 Stuyvesant Avenue
Union, NJ 07083

Bruce H. Bergen, Esq.
Krevsky, Silber & Bergen
Cleveland Plaza
123 North Union Avenue
Suite 202
P.O. Box 99
Cranford, NJ 07016-0099

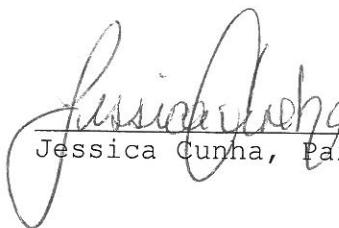
I also certify that on February 23, 2012, I, the undersigned, forwarded a copy of the within Notice of Motion, supporting brief, Certification of Exhibits, Certification of Service and proposed form of Order via electronic filing to:

Motions Clerk
United States District Court
Martin Luther King Jr. Federal Building
And U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

I also certify that on February 23, 2012, I, the undersigned, forwarded a copy of the within Notice of Motion, supporting brief, Certification of Exhibits, Certification of Service and proposed form of Order via regular mail to:

Magistrate Joseph A. Dickson
M.L.K., Jr. Federal Building &
U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Honorable Dennis M. Cavanaugh
United States District Court
Frank R. Lautenberg U.S.P.O. Courthouse Building
Room 451
Federal Square
P.O. Box 999
Newark, NJ 07101-0999



Jessica Cunha, Paralegal/Secretary